

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

133	•
	In re of Application of:
$\vec{\mathbf{c}}$	In re of Application of: Application No.:
	Filod:

Guy Thomas CARTER and Haiyin HE Group Art No.:

To Be Assigned

Examiner:

For:

SUBSTANTIALLY PURE GLYCOPEPTIDE ANTIBIOTICS AC-98-1,

AC-98-2, AC-98-3, AC-98-4 AND AC-98-5

Confirmation No.:

Customer Number:

25291

Mail Stop Patent Application Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s): Guy Thomas CARTER, Haiyin HE;

For: SUBSTIANTIALLY PURE GLYCOPEPTIDE ANTIBIOTICS AC-98-1, AC-98-2, AC-98-3, AC-98-4 AND AC-98-5.

1.	This new application is for a: ☑ Divisional ☐ Continuation ☐ Continuation-in-part (CIP)		
2.	Benefit of Prior U.S. Application(s) (35 USC 120) This new application being transmitted claims the benefit of prior U.S. application(s) Application No. 10/132,012, filed on April 25, 2002.		
3.	Papers enclosed which are required for filing date under 35 CFR 1.53(b): ☐ Pages of specification – 35 pages ☐ Sequence Listing – pages on ☐ CD-ROM or CD-R (2 copies); or ☐ Paper ☐ Pages of claims – 8 pages ☐ Page(s) of abstract – 1 pages ☐ Sheets of drawing – 15 pages ☐ Informal ☐ Informal		

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU673381417US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Ebruary 4, 2004

Daniel B. Moran

4.	Addit XX	lional papers enclosed Information Disclosure Statement Form PTO-1449 Citations Statement of Biological Deposit Computer Readable Form of Sequence Listing Statement Under 37 CFR 1.821(f) Application Data Sheet Other: Preliminary Amendment			
5.	Decla	aration Copy from a prior application (37 CFR 1.63 (d)) is enclosed New declaration enclosed and executed by all inventor(s) New declaration not enclosed or not executed by all inventor(s)			
6.		gnment ssignment of the invention to: Wyeth Holdings Corporation Five Giralda Farms Madison, New Jersey 07940			
		was made in the prior application and recorded in PTO on April 25, 2002, Reel 012845, Frame 0154. is attached under separate Recordation Form Cover Sheet. will follow.			
7.	The declar	Incorporation By Reference The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.			
8.	Ame	Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)			
9.	General Authorization: During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefore for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1300.				

10. Filing Fee Calculation

CLAIMS AS AMENDED						
(1)	(2)		(3	3)		(4)
FOR	NUMBER FILED	NUME	BER RA		ΓRA x	BASIC FEE
						\$770.00
TOTAL CLAIMS	26	6	Х	\$	18.00	108.00
INDEPENDENT CLAIMS	9	6	x	\$	86.00	516.00
MULTIPLE DEPENDENCY FEE				\$	290.00	
			Tota	l Fil	ing Fee:	\$1,394.00

- 11. Fee payment being made at this time: \$1,394.00
- Method of Payment of Fees:
 Charge Deposit Account No. 01-1300 in the amount of \$1,394.00
 A duplicate of this transmittal is attached.
- Instructions as to Overpayment:
 Credit any overpayment to Deposit Account No. 01-1300.

14.	Auth	orization to Charge Additional Fees
	\boxtimes	The Commissioner is hereby authorized to charge the following additional fees
		by this paper and during the entire pendency of this application to Deposit
		Account No. 01-1300:
	\boxtimes	37 CFR 1.16(a), (f), or (g) filing fees
	\boxtimes	37 CFR 1.16(b), (c), and (d) presentation of extra claims
	\boxtimes	37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a
		date later than the filing date of the application.

□ 37 CFR 1.17 application processing fees

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15.	Relate Back (35 USC 120) This is a divisional of copending application(s) application number filed on the entire disclosure of which is hereby incorporated by reference.
NOT	E: THIS STATEMENT SHOULD BE ADDED TO THE BEGINNING OF THE

	(b)		This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are) the same the following additional inventors have been added:
17.	Main (a)	tenan	ce of Copendency of Prior Application Extension of Time in Prior Application A petition, fee and response extends the term in the pending prior application until A copy of the petition filed in the prior application is attached.
	(b)		Conditional petition for Extension of Time in Prior Application. A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition filed in the prior application is attached.
18.	REQU	A re	AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i). quest not to publish this application and certification under 35 U.S.C. (b)(2)(B)(i) is attached.
19.			RESPONDENCE TO:
	Custo	mer iv	lumber: 25291
	DIREC	CT AL	L TELEPHONE CALLS TO:
			niel B. Moran 5) 602-2224
20.	\boxtimes	Retu	urn Receipt Postcard is attached.
			Daniel B. Moran Agent for Applicants
			· · · · · · · · · · · · · · · · · · ·
			Reg. No. 41,204

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel. No. (845) 602-2224